



Patent US 221C1  
Attorney Docket No. 032,290-090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**SIRIMANNE, et al.**

**Serial No.: 09/805,652**

Filed: 03/13/2001

For: SUBCUTANEOUS CAVITY  
MARKING DEVICE AND METHOD

Group Art Unit: 3737

Examiner: Jung, W.

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above-identified application is hereby disclosed. The accompanying Form PTO-1449 provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form 1449, initial the left-most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

04/20/2005 BABRAHA1 00000029 502862 09805652

01 FC:1806 180.00 DA

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that I have reasonable basis to expect and believe that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 14, 2005

Date of Deposit

IR1:1059951.1

*Cynthia B. Pacheco*

Cynthia B. Pacheco

Copies of some foreign patents and non-patent literature are included with this submission.

In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in one or more of the prior U.S. Applications: U.S. Application No. 09/220,618, filed on December 24, 1998, now abandoned; U.S. Application No. 09/285,329, filed on April 2, 1999, now issued as U.S. Patent No. 6,356,782; U.S. Application No. 10/114,712, filed on April 1, 2002; U.S. Application No. 09/347,185, filed on July 2, 1999, now issued as U.S. Patent No. 6,371,904; and U.S. Application No. 09/869,282, filed on June 18, 2002.

Accordingly, Applicants will provide duplicate copies in respect of the present case only if the Examiner so desires.

Also, Applicants are attaching hereto are copies of the international search reports from applications that are commonly owned.

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above, but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311. Please charge the fee of \$180.00 as set forth in §1.17(p) to Deposit Account No. 50-2862.

No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement

after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there-against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2862.

Respectfully submitted,

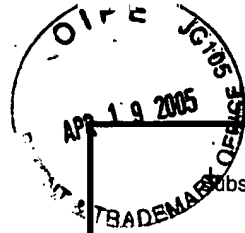
O'MELVENY & MYERS LLP

Dated: April 14, 2005

By Diane K. Wong  
Diane K. Wong  
Reg. No. 54,550  
Attorneys for Applicant

DKW/kmg

O'Melveny & Myers LLP  
114 Pacifica, Suite 100  
Irvine, CA 92618-3315  
(949) 737-2900



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A-PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application No.	09/805,652
Filing Date	03/13/2001
First Named Inventor	Sirimanne
Art Unit	3737
Examiner Name	Jung, W.
Attorney Docket No.	032,290-090 (formerly 412692000401)

Sheet 1 of 3

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Document No.	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1.	us-3,592,185	07/1971	Frei, et al.	
	2.	us-3,823,212	09/1974	Chvapil	
	3.	us-4,087,791	05/1978	Lemberger	
	4.	us-4,197,846	04/1980	Bucalo	
	5.	us-4,541,438	09/1985	Parker, et al.	
	6.	us-4,693,237	09/1987	Hoffman	
	7.	us-4,682,606	07/1987	DeCaprio	
	8.	us-4,735,210	04/1988	Goldenberg	
	9.	us-4,735,796	04/1988	Gordon	
	10.	us-4,909,250	03/1990	Smith	
	11.	us-5,018,530	05/1991	Rank, et al.	
	12.	us-5,041,826	08/1991	Milheiser	
	13.	us-5,101,827	04/1992	Goldenberg	
	14.	us-5,111,828	05/1992	Kornberg	
	15.	us-5,114,703	05/1992	Wolf, et al.	
	16.	us-5,183,463	02/1993	Debbas	
	17.	us-5,195,540	03/1993	Shiber	
	18.	us-5,197,484	03/1993	Kornberg	
	19.	us-5,221,269	06/1993	Miller, et al.	
	20.	us-5,300,120	04/1994	Knapp, et al.	
	21.	us-5,353,804	10/1994	Kornberg	
	22.	us-5,437,279	08/1995	Gray	
	23.	us-5,482,040	01/1996	Martin, Jr.	
	24.	us-5,496,536	03/1996	Wolf	
	25.	us-5,507,813	04/1996	Dowd	
	26.	us-5,511,566	04/1996	Brand	
	27.	us-5,546,957	08/1996	Heske	

Examiner  
SignatureDate  
Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IRI:1064135. 1

PTO/SB-08a (08 03)

American LegalNet Inc.  
[www.USCourtForms.com](http://www.USCourtForms.com)

APR 19 2005

TRADEMARK OFFICE

Substitute for form 1449A-PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

2

of

3

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Complete if Known

Application No.	09/805,652
Filing Date	03/13/2001
First Named Inventor	Sirimanne
Art Unit	3737
Examiner Name	Jung, W.
Attorney Docket No.	032,290-090 (formerly 412692000401)

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Document No. Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	28.	us-5,555,885	09/1996	Chance	
	29.	us-5,560,373	10/1996	De Santis	
	30.	us-5,579,766	12/1996	Gray	
	31.	us-5,582,172	12/1996	Papisov, et al.	
	32.	us-5,595,177	01/1997	Mena, et al.	
	33.	us-5,674,288	10/1997	Knapp, et al.	
	34.	us-5,697,902	12/1997	Goldenberg	
	35.	us-5,725,578	03/1998	Knapp, et al.	
	36.	us-5,732,704	03/1998	Thurston, et al.	
	37.	us-5,776,093	07/1998	Goldenberg	
	38.	us-5,776,094	07/1998	Goldenberg	
	39.	us-5,803,913	09/1998	Khalkhali, et al.	
	40.	us-5,810,806	09/1998	Ritchart, et al.	
	41.	us-5,817,033	10/1998	DeSantis	
	42.	us-5,855,609	01/1999	Knapp	
	43.	us-5,857,463	01/1999	Thurston, et al.	
	44.	us-5,868,778	02/1999	Gershony, et al.	
	45.	us-5,895,395	04/1999	Yeung	
	46.	us-5,895,640	04/1999	Khalkhali	
	47.	us-5,899,865	05/1999	Chance	
	48.	us-5,913,857	06/1999	Ritchart, et al.	
	49.	us-5,941,890	08/1999	Voegelé, et al.	
	50.	us-5,970,986	10/1999	Bolz, et al.	
	51.	us-5,977,431	11/1999	Knapp, et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> Number <sup>4</sup> Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	52.	EP-0146699	07/1985			

Examiner  
SignatureDate  
Considered

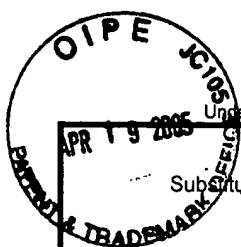
\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB-08a (08 03)

IR1:1064135. 1

American LegalNet Inc.  
[www.USCourtForms.com](http://www.USCourtForms.com)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A-PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	3	of	3	Attorney Docket No.	032,290-090 (formerly 412692000401)
-------	---	----	---	---------------------	-------------------------------------

### Complete if Known

Application No.	09/805,652
Filing Date	03/13/2001
First Named Inventor	Sirimanne
Art Unit	3737
Examiner Name	Jung, W.

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code (if known)				
	53.	EP-0255123	07/1987			
	54.	EP-0293605	12/1988			
	55.	EP-0350043	01/1990			
	56.	EP-0481685	04/1992			
	57.	GB-2132091	07/1984			
	58.	WO-9015576	12/1990			
	59.	WO-9319803	10/1993			
	60.	WO-9809247	03/1998			
	61.	WO-984390	10/1998			
	62.	WO-9852616	11/1998			
	63.	WO-9852617	12/1998			
	64.	WO-9925248	05/1999			
	65.	WO-9946284	09/1999			
	66.	WO-0100101	01/2001			

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	67.	FOURNIER et al., "Experimental Studies and Preliminary Clinical Trial of Vinorelbine-loaded Polymeric Bioresorbable Implants for the Local Treatment of Solid Tumors", Cancer Research 51, (October 1, 1991), pp. 5384-5391	
	68.	HOFFMAN, "Biodegradable Implants in Orthopaedic Surgery - A Review on the State-of-the-Art", Clinical Materials 10 (1992), p. 75-80	

Examiner  
Signature

Date  
Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IR1:1064135. 1

PTO/SB-08a (08 03)

American LegalNet Inc.  
[www.USCourtForms.com](http://www.USCourtForms.com)